

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STEEL WORKERS
LOCAL 12-369, STEPHANIE B.
GREEN, DAVID ROBERTS

Plaintiffs,

v.

UNITED STEEL, PAPER AND
FORESTRY, RUBBER,
MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND
SERVICE WORKERS
INTERNATIONAL UNION, *et al.*,

Defendants.

UNITED STEEL, PAPER AND
FORESTRY, RUBBER,
MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND
SERVICE WORKERS
INTERNATIONAL UNION, AFL-
CIO-CLC,

Judgment-Creditor,

v.

STEPHANIE B. GREEN,

Judgment-Debtor,

and

CH2MHILL PLATEAU
REMEDIATION COMPANY,

Garnishee Defendant

No. CV-07-5053-RHW

**ORDER GRANTING MOTION
FOR JUDGMENT ON ANSWER
OF GARNISHEE DEFENDANT**

Before the Court is Defendant United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC's ("USW International") Motion for Judgment on Answer of Garnishee Defendant. ECF No. 697. This motion was decided without oral argument

BACKGROUND

On March 13, 2014, the Court entered an Order Granting the International Defendants' Motion for Writ of Garnishment. ECF No. 684. A writ of garnishment to CH2M Hill Plateau Remediation Company ("CH2M Hill") was issued on that same day. ECF No. 685. On March 14, 2014, the Court received a letter from Judgment-Debtor Stephanie Green, in which she requested a hearing to contest the motion to continue lien on her earnings. Garnishee Defendant CH2M Hill had not filed an answer at the time the Court received Judgment-Debtor Green's letter and accordingly, the Court entered an Order denying Ms. Green's Motion for a Hearing to Contest Lien on March 25, 2014. ECF No. 688. On April 3, 2014, April 11, 2014, and on June 13, 2014, Garnishee Defendant CH2M Hill filed Answers to the Writ of Garnishment. ECF Nos. 690, 692, and 695. On July 7, 2014, Judgment-Debtor Green sent another letter to the Court requesting a hearing to contest the lien. ECF No. 696.

DISCUSSION

According to Wash. Rev. Code 6.27.210, once the garnishee files an answer, either plaintiff or defendant, may controvert the answer within 20 days. "...[T]he controverting party or attorney or agent [must state] that the affiant has good reason to believe and does believe that the answer of the garnishee is incorrect, [and state] in what particulars the affiant believes the same is incorrect." Wash. Rev. Code 6.27.210.

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Here, even using the date of Garnishee Defendant's most recent answer, June 13, 2014, Judgment-Debtor Green failed to controvert the answer within the 20 days mandated by statute. The Court received her letter on July 7, 2014, thus 24 days had passed since Garnishee Defendant filed their last answer. Additionally, Judgment-Debtor Green knew or should have known that she had 20 days to controvert the answer because the Court expressly addressed the issue in denying her previous Motion to Contest Lien. *See* ECF No. 688 at 2.

Furthermore, the Court also finds that Judgment-Debtor Green's letter does not put forth the particulars necessary to controvert the answer. Defendant's letter focuses on the financial hardships she is currently undergoing and problems with her previous lawyer. In order to controvert the answer of Garnishee Defendant, Ms. Green needed to state with particularity what about the Garnishee Defendant's answer was incorrect. Wash. Rev. Code 6.27.210. The Court finds that Defendant's letter does not meet this burden. Therefore, Defendant USW International's Motion for Judgment on Answer of Garnishee is granted.

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant USW International's Motion for Judgment on Answer of Garnishee, **ECF No. 697**, is **GRANTED**.
2. JUDGMENT SUMMARY

Judgment Creditor:	United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union
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Garnishment Judgment Debtor (Garnishee):	CH2M Hill Plateau Remediation Company
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Garnishment Judgment Amount:	\$1,052.59
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Costs Judgment Debtor: (Defendant Green)	\$456.50
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Costs Judgment Amount \$28,442.89
(Costs and Attorneys' Fees):

Judgments to Bear Interest at: .36%

Attorneys for Judgment Gilbert & Sackman, A Law Corporation
Creditor:

3. It appearing that garnishee was indebted to USW International in the nonexempt amount of \$1,052.59; that at the time the Writ of Garnishment (Continuing Lien on Earnings) was issued defendant STEPHANIE B. GREEN was employed by or maintained a financial institution account with garnishee, or garnishee had in its possession or control funds, personal property, or effects of defendant; and that USW International has incurred recoverable costs and attorney fees of \$456.90; now, therefore it is ORDERED as follows:

4. USW International is awarded judgment against garnishee in the amount of **\$1,052.59**.

5. USW International is awarded judgment in the amount of **\$456.90** for recoverable costs and fees.

6. That garnishee shall pay its judgment amount to USW International's counsel directly, Gilbert & Sackman, 3699 Wilshire Avenue, Suite 1200, Los Angeles, California, 90010, and if any payment is received by clerk of the court, the clerk shall forthwith disburse such payment to plaintiff's attorney.

7. Upon payment by garnishee CH2M Hill Plateau Remediation Company of \$1052.59 to USW International's counsel, said garnishee shall be discharged from this action, and USW International shall file a notice of full satisfaction of the judgment against garnishee CH2M Hill Plateau Remediation Company.

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8. Upon receipt of the aforementioned payment from garnishee, USW International shall file a notice and the Clerk of the Court shall enter a partial satisfaction of the prior judgment against defendant Stephanie B. Green in the amount of the payment received from said garnishee.

The **District Court Executive** is directed to enter this order and provide copies to counsel, Judgment-Debtor, and Judgment-Creditor.

DATED this 14th day of November, 2014.

s/Robert H. Whaley
ROBERT H. WHALEY
United States District Judge